

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. DAVIS a.k.a.,
MICHAEL L. HOLMES,

Plaintiff,

No. CIV S-04-1390 LKK PAN P

vs.

TERESA A. SCHWARTZ,

Defendant.

ORDER

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's motion for the appointment of counsel will therefore be denied.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 24, 2006, motion
2 for the appointment of counsel is denied.

3 DATED: May 4, 2006.

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5 **UNITED STATES MAGISTRATE JUDGE**
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